

Tehama County Department of Agriculture Pesticide Use Enforcement Program Fiscal Year 2007/08, 08/09 and 09/10

DPR requires that County Ag Commissioners (CAC) develop a pesticide use enforcement work plan for approval by the Department of Pesticide Regulation (DPR). This plan must contain the “core enforcement program” elements of restricted materials permitting, compliance monitoring and enforcement response, which are the same elements as in recent planning cycles. Reference to past work plans will assist in development of the future plan. This work plan will span the next three fiscal years, with a review of progress to be done annually.

County Resources

Tehama County has, in the recent past, been unable to attract experienced licensed biologists for its staff. Implementation of a failed recruitment policy has allowed Tehama County to hire an Ag Biologist II and should help in staff retention in the future. The county currently has a full complement of five biologist/weights and measures specialists and program experience is increasing.

According to our Annual Financial Statement, in Fiscal Year (FY) 2005/06, the latest figures available, Tehama County spent about 42% of the budget and 4,600 hours per year on the Pesticide Use Enforcement (PUE) Program. The proportion of the budget is similar to the previous year; however, the amount of time from our previous evaluation has decreased from about 5,500 hours. The difference is largely due to personnel shortages experienced during FY 05/06. Preliminary data shows that this will return to historic levels in FY 06/07.

Restricted Materials Permitting

Tehama County currently uses the AgGIS Restricted Materials Permit Program (RMPP). This has allowed us to develop high quality, aerial photograph-based maps for sites, better defining proposed use sites and surrounding environment. Greater than 95% of the sites have been digitized in this system.

Over the last fiscal year, our office has evaluated the Restricted Materials Management System (RMMS) program and we have decided that this program will better fit our needs for the computerized permit program. We are currently installing this program onto our IT system.

We currently have six licensed staff that issue permits, allowing better service to growers. Our office is currently open to review permit applications and related activities eight

hours a day, five days a week during the busy permitting times of December through April and by appointment the balance of the year. As discussed above, our staffing situation is stabilizing, which will allow us to continue to improve the permit review process.

Site Monitoring-We have a local site monitoring plan that is designed to assist biologists in prioritizing inspections (see attachment). Analysis of the FY 2006/07 inspections show that the monitoring plan was implemented more effectively than in the previous year, but that some improvement is still desirable, specifically in the area of Category I liquid and Minimum Exposure Pesticide mixing and loading. This will be a target goal for FY 2007/08, with regular reviews of progress. One tool that our office is using to ensure implementation of the prioritization plan is enforcement staff meeting at least twice a month that includes review of Notices of Intent (NOIs), inspections and also training in pesticide use issues.

We have found it more efficient to monitor 5% of total sites rather than 5% of NOIs, especially since a high percentage of our NOIs are Section 18 Manex. High priority is given to new sites and those designated as sensitive. We have also tied many monitoring inspections to those sites that have been recently digitized.

Compliance Monitoring

Our office, in conjunction with our Enforcement Branch Liaison (EBL), performs annual evaluations of past compliance activities in order to develop future program planning. In order to optimize limited resources, we will need to reevaluate our compliance monitoring activities. In the past, we have considered assigning staff to geographic areas of the county, but have decided at this time our current system results in the best use of resources. We currently have all biologists performing activities in all program areas for which our office is responsible. During the last fiscal year, we used experienced staff and enforcement staff meetings to assist with training. These training resources will be continued into the current work plan timeframe.

Analysis of FY 2006/07 monitoring activities shows that most violations again fell into two broad categories: Paperwork and Personal Protective Equipment (PPE). Along with new regulations, these categories will be reviewed at grower training sessions, permit issuance and focused inspections. There were fifteen worker safety, label and regulation use violations. This was five more than in the previous year; however, nine of the violations occurred in two incidents. These can be addressed by emphasis at training classes and permit issuance and by increased monitoring inspections and application of the Enforcement Response Plan. There were six paperwork violations, down from thirteen the previous year. We will continue to emphasize the importance of timely use reports at continuing education and permit/Operator Identification (OID) issuance.

We will continue to assure that noncompliances found during application, mix/load or field worker monitoring inspections are corrected at the time of inspection, at a follow-up inspection or with a compliance/enforcement action. For inspections with multiple PPE

violations and it appears that the employee may not have been adequately trained, our target will be to conduct a headquarters inspection within 30 days of the initial inspection. We will utilize assistance from our EBL for training and guidance in these inspections. Regardless, we will conduct follow-up activities within 60 days of the initial noncompliance. To continue improving our program, we will analyze the results of our inspections, illness and episode investigations and will use other feedback from DPR and the public. In addition, we will use this information to design focused training outreach. We will commit to work with our EBL to review and evaluate our program effectiveness throughout the duration of this work plan to ensure improvements are continually made in our site monitoring prioritization and enforcement activities.

Investigation Response and Reporting

We will continue to have the following as targets for Investigation Response and Reporting:

Timely initiation and completion of non priorities-We will initiate investigation of all incidents within 48 hours of receipt and have a target of 60 days for completion.

Timely priority episode investigation and reporting-We will adhere to guidelines that DPR has for priority investigations.

Development and use of investigation plans-We will use DPR's guidance for conducting investigations.

Thorough report preparation-We will submit reports that meet DPR's criteria for completion and will work with our EBL in order to ensure complete reports. We will cooperate with our EBL in order to train new staff in investigation and report writing.

Complaint Log-We will make available to our assigned EBL a log that covers episode investigations not already reported or tracked as a priority episode investigation or pesticide illness. The log will include the following information: County name, month, tracking number or file name, pesticide(s) involved in the episode if any, type of episode, episode location within the county, violations found if any and date investigation was closed.

Tehama County Policy on Enforcement Response

Tehama County will evaluate our enforcement response and assure it is fair, consistent and timely.

We will consider all appropriate enforcement options in our regulatory tool box. Referral to the state will be considered where appropriate.

Timely responses will be assured in order to prevent lost or compromised evidence and also to help tie our action to the violation. Our office will have a target of 60 days for completion of our investigations and taking any enforcement action within 90 days.

We will respond to all violations with either a compliance action or enforcement action as required by Title 3, California Code of Regulations (3 CCR) sections 6128 and 6130.

We will use the action that will most likely ensure future compliance.